

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON
U.S. MAGISTRATE JUDGE

DATE: 11-30-2017
TIME: 12:14 a.m. (9 minutes)

Castillo, et al. v. Perfume Worldwide Inc., et al.
CV 17-2972 (JS)(AKT)

TYPE OF CONFERENCE: **TELEPHONE STATUS CONFERENCE**

APPEARANCES: Plaintiff Steven John Moser
Defendant Jacques Catafago

FTR: 12:14-12:23

SCHEDULING:

This case is set down for a Telephone Conference on December 8, 2017 at 12 noon.

THE FOLLOWING RULINGS WERE MADE:

1. To the Court's surprise, counsel advised today that the mediation has not yet been set up, notwithstanding the Court's Order giving the parties 60 days to schedule and complete the mediation. Apparently, plaintiffs' counsel has requested certain information concerning payroll reports from the defendants for the entire proposed class. The Court noted that the motion for collective action certification is still pending.

There is an issue concerning whether ADP can export the information plaintiff is seeking into an Excel spreadsheet. Defendants' counsel spoke with ADP during the past week and does not yet have an answer to that question. I have directed defendants' counsel to follow up with ADP and to get an answer by the time the next conference takes place on December 8. That response will help determine where the case is going from here.

2. Apparently, the parties have discussed a tolling agreement given the circumstances. Defendants are apparently open to such an agreement during this period of document gathering and mediation. If that is the case, then the parties are directed to file a Stipulation to that effect within two weeks.

SO ORDERED

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge